

JC16 Rec'd PCT/PTO 30 MAY 2002

PATENT

Attorney Docket No.: 8830-23

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent application of
Camilo Anthony Leo Selwyn Colaco
Serial No. 10/049,706
International Filing Date: August 18, 2000
For: Trehalose Producing Prokaryotic Cells As Vaccines
Group Art Unit:
Examiner:

**RESPONSE TO NOTIFICATION OF MISSING
REQUIREMENTS UNDER 35 U.S.C. 371**

RECEIVED

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Commissioner for Patents
United States Patent and Trademark Office
Box PCT
Washington, D.C. 20231

Dear Sirs:

This is in response to the Notification of Missing Requirements Under 35 U.S.C. 371 mailed April 23, 2002 (*Notification*). A copy of the *Notification* is enclosed herewith.

Enclosed herewith are true and correct photocopies of the following, as filed April 16, 2002:

Certificate of mailing by "Express Mail" dated April 16, 2002;

Transmittal Letter to the United States Designated Elected Office;

<p>CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.10</p> <p>EXPRESS MAIL Mailing Label Number: <u>EL 901244162 US</u> Date of Deposit: <u>May 30, 2002</u></p> <p>I hereby certify that this correspondence, along with any paper referred to as being attached or enclosed, and/or fee, is being deposited with the United States Postal Service, "EXPRESS MAIL-POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10, on the date indicated above, and addressed to: Commissioner for Patents, Washington, D.C. 20231.</p> <p><u>Noemi Rivera</u> Signature of person mailing page:</p> <p>Noemi Rivera Type or print name of person</p>

Executed Declaration and Power of Attorney;

Check in the amount \$65;

Express Mail receipt bearing the stamped in date of April 16, 2002; and

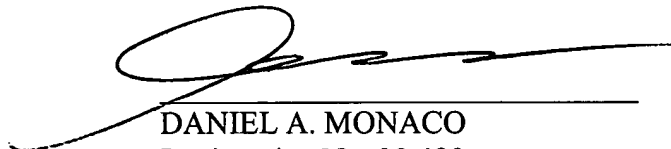
Return postcard bearing the PTO stamped receipt date of April 16, 2002.

The documents filed on April 16, 2002 in advance of the issuance of the *Notification* constitute completion of the U.S. national stage requirements under 35 U.S.C. 371, thereby mooting the subsequently mailed *Notification*.

Issuance of a Notification of Acceptance Under 35 U.S.C. 371, bearing an effective date of April 16, 2002 is respectfully requested.

Respectfully submitted,

CAMILO ANTHONY LEO SELWYN COLACO



DANIEL A. MONACO

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Attorney for Applicant



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/049,706	Camilo Anthony Leo Selwyn Colaco	8830-23

INTERNATIONAL APPLICATION NO.

PCT/GB00/03223

I.A. FILING DATE

08/18/2000

PRIORITY DATE

08/19/1999

Daniel A Monaco
Drinker Biddle & Reath
One Logan Square
18th and Cherry Streets
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CONFIRMATION NO. 7593

371 FORMALITIES LETTER



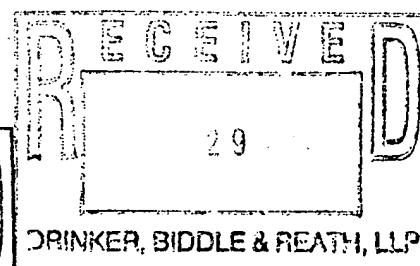
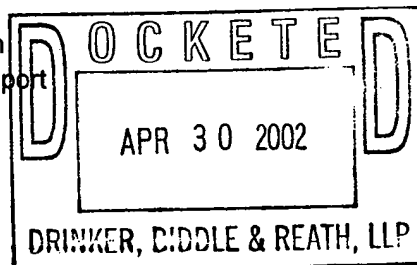
OC000000007926996

Date Mailed: 04/23/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination
- Small Entity Statement



The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 r 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 305-3738

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/049,706	PCT/GB00/03223	8830-23

FORM PCT/DO/EO/905 (371 Formalities Notice)

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)Applicant(s): **Camilo A.L. Selwyn Colaco**

Docket No.

8830-23

Serial No.

10/049,706

Filing Date

February 14, 2002

Examiner

Group Art Unit

Invention: **Trehalose Producing Prokaryotic Cells As Vaccines**

I hereby certify that this **executed Declaration/POA; Transmittal Letter; Check (\$65); return post card**
(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under
37 CFR 1.10 in an envelope addressed to: The Commissioner of Patents and Trademarks, Washington, D.C.

20231-0001 on **April 16, 2002**
(Date)

Noemi Rivera

(Typed or Printed Name of Person Mailing Correspondence)

Noemi Rivera

(Signature of Person Mailing Correspondence)

EL 901244468 US

("Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

8830

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

10/049,706

INTERNATIONAL APPLICATION NO.
PCT/GB00/0223INTERNATIONAL FILING DATE
August 18, 2000PRIORITY DATE CLAIMED
August 19, 1999

TITLE OF INVENTION

TREHALOSE PRODUCING PROKARYOTIC CELLS AS VACCINES

APPLICANT(S) FOR DO/EO/US

Camilo Anthony Leo Selwyn Colaco

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 20 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. ☒ Certificate of Mailing by Express Mail
23. ☒ Other items or information:

U.S. Express Mail No. EL 901244468 US

24. The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :

- | | |
|--|------------------|
| <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO | \$1040.00 |
| <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO | \$890.00 |
| <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO | \$740.00 |
| <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) | \$710.00 |
| <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) | \$100.00 |

ENTER APPROPRIATE BASIC FEE AMOUNT =

Surcharge of **\$130.00** for furnishing the oath or declaration later than ☒ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =	0	x \$18.00	\$0.00	
Independent claims	- 3 =	0	x \$84.00	\$0.00	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>				\$0.00	
TOTAL OF ABOVE CALCULATIONS =				\$130.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27). The fees indicated above are reduced by 1/2.				\$65.00	
SUBTOTAL =				\$65.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				\$0.00	
TOTAL NATIONAL FEE =				\$65.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input type="checkbox"/>				\$0.00	
TOTAL FEES ENCLOSED =				\$65.00	
				Amount to be refunded	\$
				charged	\$

- a. ☒ A check in the amount of **\$65.00** to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **50-0573** A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

DANIEL A. MONACO
Drinker Biddle & Reath LLP
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103-6996
(215) 988-3312
(215) 988-2757 - fax



23973

PATENT TRADEMARK OFFICE

SIGNATURE

DANIEL A. MONACO

NAME

30,480

REGISTRATION NUMBER

April 16, 2002

DATE

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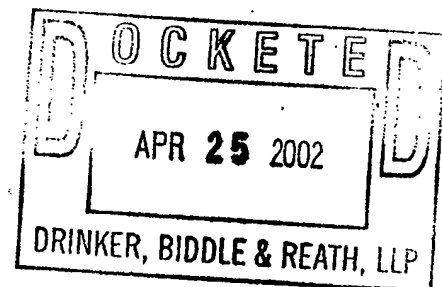
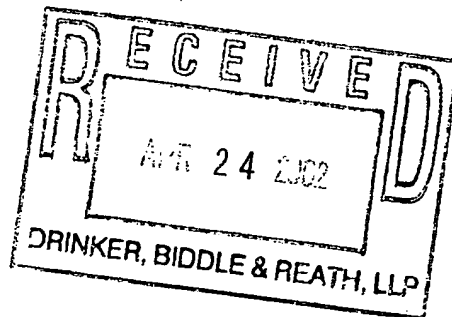
Commissioner of Patents and
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date stamping and returning this pre-addressed postcard.

File # 8830-23 Serial/Patent/Registration # 10/049,706
Matter: Trehalose Producing Cells as Vaccines
JC20-Rec'd PCT/PTO 16 APR 2002

- | | |
|---|--|
| <input type="checkbox"/> Application w/Drawing | <input type="checkbox"/> Abstract (____pgs.) |
| <input type="checkbox"/> Specimens (____) | <input type="checkbox"/> Drawings (____sheets) |
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